

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES :
 : **3:15-CR-286**
 :
 v. : **(JUDGE MANNION)**
 :
 SAMUEL LOMBARDO, :
 :
 Defendant :

ORDER

For the reasons set forth in the Memorandum of this date, **IT IS**

HEREBY ORDERED THAT:

1. Lombardo's Motion for Compassionate Release and request for Release to Home Confinement, under 18 U.S.C. §3582(c)(1)(A), because of the COVID-19 pandemic, **(Doc. 147)**, is **DISMISSED WITHOUT PREJUDICE** for lack of jurisdiction due to his failure to exhaust his BOP administrative remedies.
2. Insofar as Lombardo challenges the decision by the BOP that he is not eligible for home confinement designation under the CARES Act, his motion is **DISMISSED** since the authority to make this determination lies with the BOP Director and not the court.

s/ Malachy E. Mannion

MALACHY E. MANNION
United States District Judge

Dated: August 3, 2020

15-286-02-ORDER